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Message Text

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ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 EPAE-00 ACDA-12 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 SOE-02 DOE-15 FMC-02
TRSE-00 H-02 INR-10 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-02 OES-07 OMB-01 PA-02 PM-05 SP-02
SS-15 ICA-20 AF-10 ARA-14 EA-12 EUR-12 NEA-11
OIC-02 CTME-00 /210 W
----------103972 151229Z /50

R 151200Z MAY 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 9648

UNCLAS SECTION 01 OF 02 GENEVA 07441

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: LOS - POLLUTION AMENDMENTS

1. THE FOLLOWING PROPOSALS WERE AGREED TO BY THE INFORMAL POLLUTION WORKING GROUP.

2. ARTICLE 212(2) BIS OR NEW ARTICLE PORT ENTRY REQUIREMENTS.

1. STATES WHICH ESTABLISH PARTICULAR REQUIREMENTS FOR THE PREVENTION, REDUCTION AND CONTROL OF POLLUTION OF THE MARINE ENVIRONMENT AS A CONDITION FOR THE ENTRY OF FOREIGN VESSELS INTO THEIR PORTS OR INTERNAL WATERS OR A CALL AT THEIR OFF-SHORE TERMINALS SHALL GIVE DUE PUBLICITY TO SUCH REQUIREMENTS AND SHALL COMMUNICATE THEM TO THE COMPETENT INTERNATIONAL ORGANIZATION.

2. WHENEVER SUCH REQUIREMENTS ARE ESTABLISHED

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IN IDENTICAL FORM BY TWO OR MORE COASTAL STATES IN AN ENDEAVOR TO HARMONIZE POLICY, THE COMMUNICATION SHALL INDICATE WHICH STATES ARE PARTICIPATING IN SUCH COOPERATIVE ARRANGEMENTS.

3. EVERY STATE SHALL REQUIRE THE MASTER OF A VESSEL FLYING ITS FLAG OR OF ITS REGISTRY, WHEN

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NAVIGATING WITHIN THE TERRITORIAL SEA OF A STATE PARTICIPATING IN SUCH COOPERATIVE ARRANGEMENTS, TO FURNISH, UPON THE REQUEST OF THAT STATE, INFORMATION AS TO WHETHER IT IS PROCEEDING TO A STATE OF THE SAME REGION PARTICIPATING IN SUCH COOPERATIVE ARRANGEMENTS AND, IF SO, TO INDICATE WHETHER IT COMPLIES WITH THE PORT ENTRY REQUIREMENTS OF THAT STATE.

4. THE PROVISIONS OF THIS ARTICLE SHALL BE WITHOUT PREJUDICE TO THE CONTINUED EXERCISE BY A VESSEL OF ITS RIGHT TO INNOCENT PASSAGE OR TO THE APPLICATION OF PARAGRAPH 2 OF ARTICLE 25.

3. ARTICLE 221: ENFORCEMENT BY COASTAL STATES

PARAGRAPH 6

WHERE THERE IS CLEAR OBJECTIVE EVIDENCE THAT A VESSEL NAVIGATING IN THE EXCLUSIVE ECONOMIC ZONE OR THE TERRITORIAL SEA OF A STATE HAS, IN THE EXCLUSIVE ECONOMIC ZONE, COMMITTED A VIOLATION OF APPLICABLE INTERNATIONAL RULES AND STANDARDS OR NATIONAL LAWS AND REGULATIONS CONFORMING AND GIVING EFFECT TO SUCH INTERNATIONAL RULES AND STANDARDS FOR THE PREVENTION, REDUCTION AND

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CONTROL OF POLLUTION FROM VESSELS, RESULTING IN DISCHARGE CAUSING MAJOR DAMAGE OR THREAT OF MAJOR DAMAGE TO THE COASTLINE OR RELATED INTERESTS OF THE COASTAL STATE, OR TO ANY RESOURCES OF ITS TERRITORIAL SEA OR EXCLUSIVE ECONOMIC ZONE, THAT STATE MAY, SUBJECT TO THE PROVISIONS OF SECTION 7 OF THIS PART OF THE PRESENT CONVENTION PROVIDED THAT THE EVIDENCE SO WARRANTS, CAUSE PROCEEDINGS, INCLUDING ARREST OF THE VESSEL, TO BE TAKEN IN ACCORDANCE WITH ITS LAWS.

4. ARTICLE 222: MEASURES RELATING TO MARITIME CASUALTIES TO AVOID POLLUTION.

1. NOTHING IN THIS PART OF THE PRESENT CONVENTION SHALL PREJUDICE THE RIGHT OF STATES, PURSUANT TO INTERNATIONAL LAW BOTH CUSTOMARY AND CONVENTIONAL TO ADOPT AND ENFORCE MEASURES BEYOND THE TERRITORIAL SEA PROPORTIONATE TO THE ACTUAL OR THREATENED DAMAGE TO PROTECT THEIR COASTLINE AND RELATED INTERESTS, INCLUDING

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FISHING, FROM POLLUTION OR THREAT OF POLLUTION FOLLOWING UPON A MARITIME CASUALTY OR ACTS RELATING TO SUCH A CASUALTY, WHICH MAY REASONABLY BE EXPECTED TO RESULT IN MAJOR HARMFUL CONSEQUENCES.

2. FOR PURPOSES OF THIS ARTICLE, "MARITIME CASUALTY" MEANS A COLLISION OF SHIPS, STRANDING OR OTHER INCIDENT OF NAVIGATION, OR OTHER OCCURRENCE ON BOARD A SHIP OR EXTERNAL TO IT RESULTING IN MATERIAL DAMAGE OR IMMINENT THREAT OF MATERIAL DAMAGE TO A SHIP OR CARGO. (THIS ARTICLE UPDATES THAT REPORTED IN GENEVA 07263.)

5. ARTICLE 231: MONETARY PENALTIES AND THE
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OBSERVANCE OF RECOGNIZED RIGHTS OF THE ACCUSED.

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ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 EPAE-00 ACDA-12 AGRE-00
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R 151200Z MAY 78
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PARAGRAPH 1
ONLY MONETARY PENALTIES MAY BE IMPOSED WITH RESPECT TO VIOLATIONS OF NATIONAL LAWS AND REGULATIONS OR APPLICABLE INTERNATIONAL RULES AND

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STANDARDS, FOR THE PREVENTION, REDUCTION AND
CONTROL OF POLLUTION OF THE MARINE ENVIRONMENT
FROM VESSELS, COMMITTED BY FOREIGN VESSELS BEYOND
INTERNAL WATERS, EXCEPT IN CASES OF WILLFUL AND
SERIOUS POLLUTION IN THE TERRITORIAL SEA.
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Review Withdrawn Fields: n/a
SAS ID: 2692130
Secure: OPEN
Status: NATIVE
Subject: LOS - POLLUTION AMENDMENTS
TAGS: PLOS
To: STATE
Type: TE
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